IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2999 OF 2004
IN
WRIT PETITION NO.9333 OF 2003

Anand M.Ughade ..Applicant.

V/s.

M/s.VIP Industries Ltd. ..Respondent.

Mr.N.M.Ganguli for applicant.

Mr.Shirish Naik for respondent.

CORAM : A.P.DESHPANDE, J.

DATED : 25TH APRIL, 2007.

P.C. :-

The present application has been filed under section 17-B of the Industrial Disputes Act claiming last drawn wages. It is stated on affidavit in para 3 of the application which is duly sworn by the employee that the employee is not gainfully employed and hence he is entitled to receive the last drawn wages, as this Court passed an order staying the award. This Court while staying the award had imposed a condition that the petitioner shall deposit the entire amount of arrears. The said amount has been deposited in this Court. However, despite permission granted to the applicant, the amount has not been withdrawn is an admitted fact. The amount is already said to have been

invested in a bank. The statement made in paragraph 3 of the application that the applicant is not gainfully employed has not been contradicted by filing any reply, despite opportunities being granted to file the same on number of occasions. Hence application under section 17-B of the Industrial Dispute Act is allowed. The respondent in this application is directed to pay the applicant amount equal to the last drawn wages and to continue to pay the same. The amount shall be paid from the date of the filing of the petition. The arrears shall be paid within a period of 8 weeks from today.

2. Civil application is disposed of.

3. The Civil Application No.1204 of 2005 is not pressed in view of the fact that the amount is already invested in the bank.

(A.P.DESHPANDE, J.)